

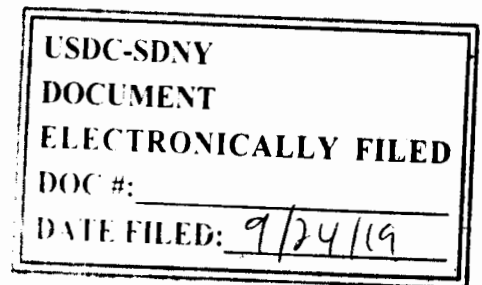
David P. Grey – Ret.
 Robert E. Grey
 Brian P. O’Keefe
 Daniel A. Dutton
 Alissa P. Gardos
 Sherman B. Kerner
 Christa M. Collins
 Sanjai Doobay

Ronald L. Epstein
 Peter Tufo
 Steven D. Rhoads
 Evelyn F. Gross
 Andra Fraiberg-Vetro
 Stuti Desai
 Stuart S. Muroff
 Marihel Gomez

GREY & GREY, LLP
 Attorneys at Law

Reply to:
 360 Main Street
 Farmingdale, New York 11735
 (516) 249-1342

www.GreyandGrey.com
MEMO ENDORSED



September 10, 2019

Honorable Magistrate Judge Ronnie Abrams
 United States Magistrate
 Southern District of New York
 500 Pearl Street
 New York N.Y. 10007

Re: Rafael Figueroa v. Irene Yagudaev and Solomon Yagudaev
 Docket No. 19-cv-210

Dear Magistrate Abrams:

We represent the Plaintiff, Rafael Figueroa in the above-referenced matter and make this Motion seeking leave under Federal Rule 15 (a) to Amend the Complaint to add additional Defendants based on some recently disclosed discovery and investigation. Attached herewith is the proposed Amended Complaint.

This Labor Law and common law negligence action involves a construction accident that occurred on October 20, 2017 at 110-48 Jewel Avenue, Queens, New York while Plaintiff was putting sheet rock in an elevator shaft and an unsecured board and scaffold that he was standing on shifted causing him to fall several stories below onto a large amount of debris. Unfortunately as Mr. Figueroa had been recently transferred to the subject jobsite he was unfamiliar with the identity of any subcontractors working at the job. Both Defendants and Third-Party Defendant, NRG Magic Construction respectively responded to Plaintiff’s demands for discovery and subpoena for records with various subcontractor agreements and permits which identify some subcontractors who were also performing work including elevator work at the location of my clients accident and whom may have placed the board and scaffolding down and also created the pile of debris located at the bottom of the shaft. As such we believe they are necessary parties to this action and do not believe after discussion with Defense counsel that they will oppose the motion and in fact believe they will join in the requested relief.

NASSAU	SUFFOLK*	QUEENS	MANHATTAN	BRONX*	WESTCHESTER*
360 Main Street Farmingdale, NY 11735 (516) 249-1342	646 Main Street Port Jefferson, NY 11777 (631) 249-1342	118-35 Queens Boulevard Suite 1505 Forest Hills, NY 11375 (718) 268-5300	111 Broadway Suite 809 New York, NY 10006 (212) 964-1342	305 East 149th Street Second Floor Bronx, NY 10451 (718) 268-5300	300 Hamilton Avenue Suite 209 White Plains, NY 10601 (914) 984-2292

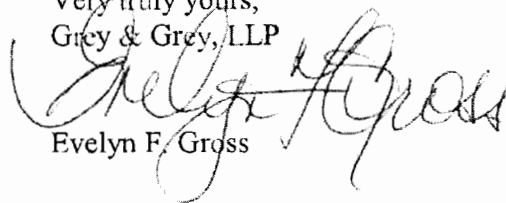
*By Appointment Only

. Rule 15(a) of the Federal Rules of Civil Procedure instructs courts to “freely” grant leave to amend a complaint “when justice so requires.” Courts may deny leave to amend only when “there is a substantial reason to do so.” *Friedl v. City of New York*, 210 F.3d 79, 87 (2d Cir. 2000).

Plaintiff, Mr. Figueroa was seriously injured in the subject accident and has since undergone two surgeries with the potential third surgery to be scheduled. He has remained 100% disabled due to this accident for almost two (2) years. As such it is clear that determining the responsible party or parties for Plaintiff's accident is of utmost importance and justice requires that Plaintiff be allowed to amend its complaint to add these additional companies to allow him the best chance at recovery. Failing to permit these additional parties to be added would substantially prejudice both Plaintiff and Defendant.

Wherefore, Plaintiff herein requests that this Honorable Court grant Plaintiff leave to file and serve the proposed amended complaint. This is our first request to amend the pleadings. A copy of this motion by letter was emailed to Defense Counsel on the morning of September 10, 2019 and mailed to all proposed amended parties. Plaintiff also requests that should amendment be permitted that this matter be scheduled thereafter for a discovery conference so that we can have all parties participate. Plaintiff thanks the court for its attention and courtesies in these matters.

Very truly yours,
Grey & Grey, LLP



Evelyn F. Gross

EFG

Emailed to Mr. Roman Shayk, Brand Glick Brand

CC: Inclinator Elevette Co. of New York, INC.
1213 Teaneck Road
Teaneck, New Jersey 07666

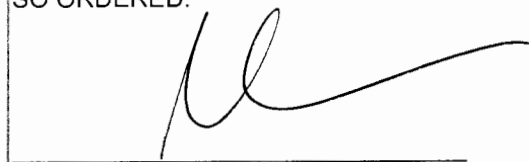
APS Electric, Inc,
257 54th Street, 2nd Floor
Brooklyn, NY 11220

New York Plumbing Works Inc.
109-25 Corona Avenue
Corona, New York 11368

R.C.M. Electric Corp.
1915 McDonald Avenue, 1st Floor
Brooklyn, New York 11223

Application granted. Plaintiff shall file his proposed Amended Complaint on the docket as his First Amended Complaint. A status conference will take place on October 24, 2019, at 11:00 a.m. in which all parties, including those added in the First Amended Complaint, shall attend. No later than one week in advance of the conference the parties shall submit a joint status letter and a proposed revised case management plan. Plaintiff shall serve a copy of this order on the newly added Defendants, together with the amended Summons and First Amended Complaint, by October 3, 2019.

SO ORDERED.



Ronnie Abrams, U.S.D.J.
September 24, 2019

Page 3

September 10, 2019

Sal D'Amico Construction, Inc.
145-40 23rd Avenue
Whitestone, New York 11357

Giron Contracting Inc.
147-20 75th Avenue
Kew Garden Hills, NY 11367